

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

US EPA RECORDS CENTER REGION 5



515421

DATE: 18 MAY 1982  
SUBJECT: Reilly Tar Case  
FROM: Robert E. Leininger  
Office of Regional Counsel  
TO: Roger M. Grimes  
Chief, Legal Section

*Bob, I suggest you prepare a letter from Ulrich to Carol Dinkins as King for assurances that a seasoned litigator be assigned to the case to do the trial.*

Last week I received a copy of a letter sent to the counsel for Reilly Tar by the U.S. Attorney's office stating that the lead attorney for the United States would now be Erica Dolgin. I immediately called Erica and she said that Frank Hermann, the assistant U.S. Attorney assigned to the case, had discussed the possibility of transferring the lead back to DOJ but that she was surprised to learn about it as a "fait accompli" by being copied on the attached letter.

Frank Hermann was in Duluth all last week but I was able to contact him today. He said that he would still be involved in the case in a "limited capacity" in that he would still maintain a file on the case and try to keep up with it. The reason the lead was transferred back to DOJ was because Hermann could not afford to spend enough time on the case.

I asked if he would still be able to help with the trial work and he said that he wasn't sure. I expressed my concern that Erica does not have the expertise as a litigator that the U.S. Attorney's office can provide. He said that he could understand my concern but that there isn't anything he can do about it. He said that he may be able to work on the case as it nears trial but suggested that Erica may not go along with it.

I called Erica again to discuss the matter. She said that she has been the lead attorney in two environmental trials but neither case was as big as Reilly. I stressed the importance of having a seasoned litigator on our side at trial and she agreed that we need additional help in that respect. She said that as we get closer to trial we can bring in additional help from the U.S. Attorney's office or DOJ but she didn't think that we need to worry about it now.

I think that we should have better assurance from either the U.S. Attorney's office or DOJ that someone will be brought in to help with the litigation with enough lead time to be able to get up to speed for trial. I would like to talk to you about how we can get such assurance.

cc: Ulrich  
Gardebring  
Schulteis/Walker  
Bitter  
Taliaferro

*Also you should get Bielefeld & expand a dimension*

*either to  
or Bunting  
one*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

DATE: 28 MAY 1982

SUBJECT: Reilly Tar Case

FROM: Robert E. Leininger  
Office of Regional Counsel

TO: Roger M. Grimes  
Chief, Legal Section

Last week I received a copy of a letter sent to the counsel for Reilly Tar by the U.S. Attorney's office stating that the lead attorney for the United States would now be Erica Dolgin. I immediately called Erica and she said that Frank Hermann, the assistant U.S. Attorney assigned to the case, had discussed the possibility of transferring the lead back to DOJ but that she was surprised to learn about it as a "fait accompli" by being copied on the attached letter.

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cc: Ullrich  
Gardebring  
Schulteis/Walker  
Bitter  
Taliaferro



*United States Attorney  
District of Minnesota*

234 United States Courthouse  
Minneapolis, Minnesota 55401

FTS/781-7430  
612/332-8961

May 5, 1982

Edward J. Schwartzbauer  
Attorney at Law  
Dorsey, Windhorst, Hannaford,  
Whitney & Halladay  
2200 First Bank Place East  
Minneapolis, MN 55402

Dear Mr. Schwartzbauer:

Re: United States, et al v. Reilly Tar  
& Chemical Corporation, et al  
Civil No. 7-80-469

Effective immediately Erica Dolgin of the Department of Justice, Environmental Enforcement Section is designated the lead attorney in this matter representing the United States of America, Environmental Protection Agency. Ms. Dolgin's address and telephone number are:

U.S. Department of Justice  
Land & Natural Resources Division  
Environmental Enforcement Section  
Room 1507  
10th and Pennsylvania Avenue NW  
Washington, DC 20530

Telephone: (202) 633-5258

Please address all original correspondence to her, sending a carbon to the office of the United States Attorney, Attention: Francis X. Hermann.



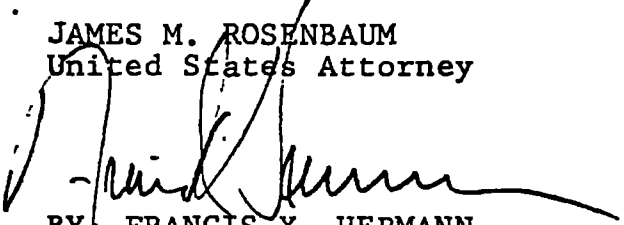
May 5, 1982

This office remains available to all parties for whatever purpose may be deemed appropriate.

Thank you for your cooperation.

Sincerely yours,

JAMES M. ROSENBAUM  
United States Attorney



BY: FRANCIS X. HERMANN  
Assistant U.S. Attorney

cc: Stephen Shakman, Esq.  
Allen Hinderaker, Esq.  
Joseph C. Vésely, Esq.  
Thomas W. Wexler, Esq.  
Laurance R. Waldoch, Esq.  
James T. Swenson, Esq.  
Erica Dolgin, Esq.  
Richard Emory, Jr., Esq.  
✓ Robert Leininger, Esq.  
Rosemarie R. Schlichting,  
Calendar Clerk for Judge Magnuson